THE HON'BLE SRI JUSTICE P.S.NARAYANA

WRIT PETITION NO.25374 OF 2006

Date: 06th December 2006

Between:
Mohd. Liaqat Ali Khan, s/o late Mohd. Ali Khan,
Aged 50 years, Occ: Private Service, resident of
16-2-146/28/C, Akbar Bagh, Old Malakpet,
Hyderabad.

... Petitioner.

And

1. Municipal Corporation of Hyderabad,
   rep. By its Commissioner, Tank Bund,
   Hyderabad and another.

... Respondents.

* * *

ORDER:

The matter is coming up for admission. Sri Rama Rao Ghanta takes notice on behalf of respondents. Heard Smt. Kavitha Gottipati.

2. The writ petition is filed for a writ of Mandamus declaring action of the respondents in refusing to receive and process the application of the petitioner for building permission for construction of building in Pr.No.16-2-146/28/C, Akbar Bagh, Old Malakpet, Hyderabad, as it is not accompanied with no objection certificate and basing upon the entry in TSLR, as illegal, arbitrary and

violative of principles of natural justice and consequently direct the respondents to receive and process the application for building permission without insisting no objection certificate and without reference to entry in TSLR certificate and pass such other suitable orders.

3. This Court in W.P.No.18104 of 2006 dated 01st September 2006 already expressed an opinion relating to the aspect of insisting no objection certificate and also the TSLR. It is needless to say that no objection certificate from the Revenue authorities not to be insisted upon and the entries in the TSLR alone cannot be a guiding factor if the petitioner is able to otherwise satisfy. In the light of the settled position of law which had been well decided in several decisions of this Court, this Court is of the considered opinion that refusal to entertain an application cannot be sustained even otherwise. Learned standing counsel would submit that the petitioner as such had submitted no application.

4. Be that as it may, in the light of the facts and circumstances the petitioner is permitted to submit an application for building permission of construction of the building in the subject matter of the writ petition and the same is to be considered in accordance with law, especially, in the light of the view expressed by this Court in W.P.No.18104 of 2006 dated 01st September 2006. It is needless to say that the respondents to receive the said application and consider the same in accordance with law at an early date.

5. The writ petition is accordingly allowed to the extent indicated above.

P.S.NARAYANA, J.

Date: 06th December 2006
BSB